

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION
CANTON, OHIO

IN RE:

CHRISTOPHER M. GAMBONE,

Debtor.

CASE NO. 18-61065

CHAPTER 7

BANKRUPTCY JUDGE
RUSS KENDIG

MOTION FOR TURNOVER

Anne Piero Silagy, Chapter 7 Trustee (“Trustee”), by and through counsel, hereby moves this Court, pursuant to 11 U.S.C. §542(a) for an order directing the Debtor to pay over to the Trustee the amount of \$3,700.00, which constitutes property of the estate.

In support hereof, the Trustee states that on May 21, 2018, Christopher M. Gambone (“Debtor”) filed for relief under Chapter 13 of the United States Bankruptcy Code by commencing the within proceeding.

The Chapter 13 Trustee filed her Objection to Confirmation of Debtor’s Plan [Docket No. 20] asserting that the Plan violated Section 1325(a)(4) in that the value of the property to be distributed under the Debtor’s Plan was less than the amount creditors would receive if the Debtor were liquidated under Chapter 7 of the Bankruptcy Code.

On September 27, 2018, the Court entered its Agreed Order Settling Objection to Confirmation (“Agreed Order”) [Docket No. 29] whereby the Debtor agreed that unsecured creditors would be paid 100% plus 4.25% interest to resolve the Chapter 7 value issues.

On February 10, 2021, the Debtor's case was converted to a proceeding under Chapter 7 of the Bankruptcy Code with Anne Piero Silagy being appointed the Chapter 7 Trustee.

Based upon the timely filed proofs of claim for unsecured creditors, the funds held by the Trustee and the anticipated costs of administration, pursuant to the Agreed Order, the Debtor owes the Trustee the amount of \$3,700.00 to permit the Trustee to pay unsecured creditors 100% plus 4.25% interest.

WHEREFORE, based upon the foregoing, the Trustee respectfully requests that the Court enter an order directing the Debtor to turnover and pay to the Trustee the amount of \$3,700.00.

Respectfully submitted,

/s/ Bruce R. Schrader, II
Bruce R. Schrader, II (39418)
bschrader@ralaw.com
Roetzel & Andress, LPA
222 South Main Street
Akron, OH 44308
Telephone: 330.376.2700
Facsimile: 330.376.4577

Attorney for Anne Piero Silagy, Trustee

CERTIFICATE OF SERVICE

This is to certify that the Motion for Turnover was electronically transmitted on January 26, 2022 via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

- Pauline R. Aydin Shuler paydinlegal@hotmail.com
- David C. Nalley ohbk@rslegal.com,
rsbkecfbackup@gmail.com;reisenfeld@ecf.inforuptcy.com
- Bruce R. Schrader bschrader@ralaw.com
- Anne Piero Silagy asilagycourt@neo.rr.com, asilagy@ecf.axosfs.com
- United States Trustee (Registered address)@usdoj.gov

The following parties were served with the Motion for Turnover on January 26, 2022, via regular U.S. Mail service:

Christopher M. Gambone
2600 Brouse Street NW
Uniontown, OH 44685

/s/ Bruce R. Schrader, II
Bruce R. Schrader, II